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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ALEJANDRO MULERO, LUZ L

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,814

Applicant(s)

CHUNG ET AL.

Examiner

Luz L. Alejandro

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 11, 38, 39, 41, 43, 44 and 47-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 11, 38-39, 41, 43-44, 47-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 9, 11, 38-39, 41, 44, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballance et al., U.S. Patent 5,781,693 in view of Moore et al., U.S. Patent 5,444,217 and Shang et al., U.S. Patent 6,182,603.

Ballance et al. shows the invention substantially as claimed including a semiconductor manufacturing apparatus comprising: a susceptor installed at a lower portion of the processing chamber for receiving a wafer 16; means 44 for annealing the wafer, said means being installed at an upper portion of the processing chamber (see

col. 3-lines 47-62); and a gas diffuser porous plate 52 installed below the wafer annealing means, for supplying reaction gases into the process chamber which is in flow contact with a gas supply line (see fig. 1 and col. 3-line 39 to col. 5-line 30).

Ballance et al. fails to expressly disclose that the susceptor is vertically movable. Moore et al. discloses a vertically movable susceptor 212 installed at a lower portion of the processing chamber 209 for receiving a wafer thereon (see fig. 2A and col. 9-lines 24-48). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Ballance et al. so as to include the vertically movable susceptor of Moore et al. in order to allow for easy loading and removal of the wafer.

Ballance et al. and Moore et al. are applied as above but fail to expressly disclose that the gases are supplied to the gas supply line from pipes comprising: a) a first pipe having a microwave guide for changing a gas mixture containing a hydrogen gas and a fluorine-containing gas in a predetermined ratio, or the hydrogen gas only, into a plasma state, and b) a second pipe for supplying the fluorine-containing gas into the processing chamber. Shang et al. discloses an apparatus having pipes installed outside the processing chamber for providing reaction gases, the pipes comprising: a first pipe containing a sapphire tube 77 that is coupled to a microwave guide 68 for exciting a gas into a plasma and a second pipe 53 for supplying gas to the processing chamber (see Fig. 1 and col. 4-line 15 to col. 5-line 46). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Ballance et al. modified by Moore et al., so as to

include the pipe structure of Shang et al. because this will result in the capability of cleaning the apparatus without causing the damage that sometimes occurs when generating plasma in the processing chamber (see col. 2-lines 36-62 of Shang et al.).

With respect to the particular gas being transported through the pipes and the claimed positions of the susceptor, such limitations are directed to method limitations instead of apparatus limitations, and since an apparatus is being claimed as the matter at hand the method limitations are not given patentable weight. The method limitations are considered intended uses that do not patentably distinguish an apparatus claim.

The apparatus of Ballance et al. modified by Moore et al. and Shang et al. is capable of supplying the specific claimed gases, through the pipes, to the apparatus, and to position the susceptor in a lower portion of the process chamber when the reaction gases are supplied onto the wafer, and position the susceptor in the upper portion of the processing chamber when the means for annealing the wafer is operated to anneal the wafer.

Claims 8, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballance et al., U.S. Patent 5,781,693 in view of Moore et al., U.S. Patent 5,444,217 and Shang et al., U.S. Patent 6,182,603, as applied to claims 7, 9, 11, 38-39, 41, 44, 47, and 49 above, and further in view of Yin et al., U.S. Patent 6,189,484.

Ballance et al., Moore et al., and Shang et al. are applied as above but fail to expressly disclose a cooling line contained within the susceptor. Yin et al. discloses an apparatus with a heating element 170 in the upper portion of the processing chamber

whereby the susceptor 137 can also contain a cooling line therein (see col. 6-lines 9-11). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Ballance et al. modified by Moore et al. and Shang et al. so as to include the cooling line of Yin et al. because this allows for better temperature control of the wafer.

Claims 7, 9, 11, 38-39, 41, 44, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakur, U.S. Patent 5,863,327 in view of Moore et al., U.S. Patent 5,444,217, Shang et al., U.S. Patent 6,182,603, and Ballance et al., U.S. Patent 5,781,693.

Thakur shows the invention substantially as claimed including a semiconductor manufacturing apparatus comprising: a susceptor 5 installed at a lower portion of a processing chamber for receiving a wafer thereon; means 1 for annealing the wafer on a holder 5, said means being installed at an upper portion of the processing chamber (see fig. 1); and a gas inlets 6,7 installed below the wafer annealing means (see fig. 1 and col. 3-line 4 to col. 3-lines 4-30).

Thakur fails to expressly disclose that the susceptor is vertically movable and a gas diffuser installed below the wafer annealing means. Moore et al. discloses a vertically movable susceptor 212 installed at a lower portion of the processing chamber 209 for receiving a wafer thereon and a gas diffuser 207 installed below the wafer annealing means (see fig. 2A and col. 9-lines 24-48). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the apparatus of Thakur so as to include the vertically movable susceptor and the gas diffuser of Moore et al. in order to allow for easy loading and removal of the wafer, and to allow uniform gas distribution throughout the wafer surface, respectively.

Thakur and Moore et al. do not expressly disclose that the gases are supplied to the gas supply line from pipes comprising: a) a first pipe having a microwave guide for changing a gas mixture containing a hydrogen gas and a fluorine-containing gas in a predetermined ratio, or the hydrogen gas only, into a plasma state, and b) a second pipe for supplying the fluorine-containing gas into the processing chamber. Shang et al. discloses an apparatus having pipes installed outside the processing chamber for providing reaction gases, the pipes comprising: a first pipe containing a sapphire tube 77 that is coupled to a microwave guide 68 for exciting a gas into a plasma and a second pipe 53 for supplying gas to the processing chamber (see Fig. 1 and col. 4-line 15 to col. 5-line 46). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Thakur modified by Moore et al., so as to include the pipe structure of Shang et al. because this will result in the capability of cleaning the apparatus without causing the damage that sometimes occurs when generating plasma in the processing chamber (see col. 2-lines 36-62 of Shang et al.).

With respect to the particular gas being transported through the pipes and the claimed positions of the susceptor, such limitations are directed to method limitations instead of apparatus limitations, and since an apparatus is being claimed as the matter at hand the method limitations are not given patentable weight. The method limitations

are considered intended uses that do not patentably distinguish an apparatus claim.

The apparatus of Thakur modified by Moore et al. and Shang et al. is capable of supplying the specific claimed gases, through the pipes, to the apparatus, and to position the susceptor in a lower portion of the process chamber when the reaction gases are supplied onto the wafer, and position the susceptor in the upper portion of the processing chamber when the means for annealing the wafer is operated to anneal the wafer.

Thakur, Moore et al., and Shang et al. are applied as above but fail to expressly disclose a porous plate forming the bottom of the gas diffuser, wherein the diffuser is in flow contact with the gas supply line. Ballance et al. discloses a gas diffuser porous plate 52 installed below the wafer annealing means, for supplying reaction gases into the process chamber which is in flow contact with the gas supply line (see fig. 1 and col. 3-line 39 to col. 5-line 30). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Thakur modified by Moore et al. and Shang et al. so as to include a porous plate as part of the gas diffuser because in such a way the gases will be more evenly distributed over the substrate surface.

Claims 8, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakur, U.S. Patent 5,863,327 in view of Moore et al., U.S. Patent 5,444,217, Shang et al., U.S. Patent 6,182,603, and Ballance et al., U.S. Patent 5,781,693, as

applied to claims 7, 9, 11, 38-39, 41, 44, 47, and 49 above, and further in view of Yin et al., U.S. Patent 6,189,484.

Thakur, Moore et al., Shang et al., and Ballance et al. are applied as above but do not expressly disclose a cooling line contained within the susceptor. Yin et al. discloses an apparatus with a heating element 170 in the upper portion of the processing chamber whereby the susceptor 137 can also contain a cooling line therein (see col. 6-lines 9-11). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Thakur modified by Moore et al., Shang et al. and Ballance et al. so as to include the cooling line of Yin et al. because this allows for better temperature control of the wafer.

Claims 7, 9, 11, 38-39, 41, 44, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasumi et al., U.S. Patent 4,936,940 in view of Moore et al., U.S. Patent 5,444,217, Shang et al., U.S. Patent 6,182,603, and Ballance et al., U.S. Patent 5,781,693.

Kawasumi et al. shows the invention substantially as claimed including a semiconductor manufacturing apparatus comprising: a susceptor 5 installed at a lower portion of a processing chamber for receiving a wafer 1 thereon; means 3 for annealing the wafer, said means being installed at an upper portion of the processing chamber (see fig. 1); and a gas inlet 4 installed below the wafer annealing means (see fig. 1 and col. 2-line 34 to col. 3-line 16).

Kawasumi et al. fails to expressly disclose that the susceptor is vertically movable and a gas diffuser installed below the wafer annealing means. Moore et al. discloses a vertically movable susceptor 212 installed at a lower portion of the processing chamber 209 for receiving a wafer thereon and a gas diffuser 207 installed below the wafer annealing means (see fig. 2A and col. 9-lines 24-48). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Kawasumi et al. so as to include the vertically movable susceptor and the gas diffuser of Moore et al. in order to allow for easy loading and removal of the wafer, and to allow uniform gas distribution throughout the wafer surface, respectively.

Kawasumi et al. and Moore et al. are applied as above but fail to expressly disclose that the gases are supplied to the gas supply line from pipes comprising: a) a first pipe having a microwave guide for changing a gas mixture containing a hydrogen gas and a fluorine-containing gas in a predetermined ratio, or the hydrogen gas only, into a plasma state, and b) a second pipe for supplying the fluorine-containing gas into the processing chamber. Shang et al. discloses an apparatus having pipes installed outside the processing chamber for providing reaction gases, the pipes comprising: a first pipe containing a sapphire tube 77 that is coupled to a microwave guide 68 for exciting a gas into a plasma and a second pipe 53 for supplying gas to the processing chamber (see Fig. 1 and col. 4-line 15 to col. 5-line 46). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Kawasumi et al. modified by Moore et al., so as to

include the pipe structure of Shang et al. because this will result in the capability of cleaning the apparatus without causing the damage that sometimes occurs when generating plasma in the processing chamber (see col. 2-lines 36-62 of Shang et al.).

With respect to the particular gas being transported through the pipes and the claimed positions of the susceptor, such limitations are directed to method limitations instead of apparatus limitations, and since an apparatus is being claimed as the matter at hand the method limitations are not given patentable weight. The method limitations are considered intended uses that do not patentably distinguish an apparatus claim. The apparatus of Kawasumi et al. modified by Moore et al. and Shang et al. is capable of supplying the specific claimed gases, through the pipes, to the apparatus, and to position the susceptor in a lower portion of the process chamber when the reaction gases are supplied onto the wafer, and position the susceptor in the upper portion of the processing chamber when the means for annealing the wafer is operated to anneal the wafer.

Kawasumi et al., Moore et al. and Shang et al. are applied as above but fail to expressly disclose a porous plate forming the bottom of the gas diffuser, wherein the diffuser is in flow contact with the gas supply line. Ballance et al. discloses a gas diffuser porous plate 52 installed below the wafer annealing means, for supplying reaction gases into the process chamber which is in flow contact with the gas supply line (see fig. 1 and col. 3-line 39 to col. 5-line 30). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Kawasumi et al. modified by Moore et al. and Shang et al. so

as to include a porous plate as part of the gas diffuser because in such a way the gases will be more evenly distributed over the substrate surface.

Claims 8, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasumi et al., U.S. Patent 4,936,940 in view of Moore et al., U.S. Patent 5,444,217, Shang et al., U.S. Patent 6,182,603, and Ballance et al., U.S. Patent 5,781,693, as applied to claims 7, 9, 11, 38-39, 41, 44, 47, and 49 above, and further in view of Yin et al., U.S. Patent 6,189,484.

Kawasumi et al., Moore et al., Shang et al., and Ballance et al. are applied as above but fail to expressly disclose a cooling line contained within the susceptor. Yin et al. discloses an apparatus with a heating element 170 in the upper portion of the processing chamber whereby the susceptor 137 can also contain a cooling line therein (see col. 6-lines 9-11). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Kawasumi et al. modified by Moore et al., Shang et al. and Ballance et al. so as to include the cooling line of Yin et al. because this allows for better temperature control of the wafer.

Response to Arguments

Applicant's arguments filed 5/27/04 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references (Ballance et al. and Moore et al. with the Shang et al. reference), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references is in order to clean the apparatus without causing the damage that sometimes occurs when generating plasma in the processing chamber. Furthermore, note that the Ballance et al. reference clearly states that the invention described can be employed in any substrate processing system which uses a showerhead to distribute process gas to the substrate including: CVD, etch and cleaning systems (see, for example, col. 8, lines 55-59). Additionally, note that the Shang et al. reference clearly states that the implementation of the invention described can be used in non-plasma apparatuses (see, for example, col. 7, lines 39-42).

In response to applicant's argument that the specific claimed positioning of the susceptor is not disclosed or suggested by the cited references, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the

intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luz L. Alejandro whose telephone number is 571-272-1430. The examiner can normally be reached on Monday to Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Mills can be reached on 571-272-1439. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Luz L. Alejandro
Primary Examiner
Art Unit 1763

August 4, 2004